

### REMARKS

This application has been reviewed in light of the Office Action dated November 9, 2009. Claims 1-17, 19, and 20 are presented for consideration, with claims 1, 15, and 17 being independent. Claim 17 has been amended to better define Applicants' invention. Favorable reconsideration is requested.

### REQUEST TO WITHDRAW PREMATURE FINALITY

Initially, Applicants respectfully submit that the Office Action was prematurely made final because of the newly applied rejection of claim 1 under 35 U.S.C. §112, second paragraph. It is respectfully submitted, however, that this new ground of rejection was not necessitated by Applicants' amendment of the claims. In this regard, changes to claim 1 were made in the Amendment of July 29, 2009, relating to the transaction device random number generator being located at the transaction device. There is no allegation in the Office action that these changes led to the rejection.

Accordingly, pursuant to M.P.E.P. §706.07(a), reconsideration and withdrawal of the finality of the Office Action is respectfully requested.

### CLAIM REJECTION UNDER 35 U.S.C. §112

With respect to the rejection of claim 1 under 35 U.S.C. §112, second paragraph, it is respectfully requested that the rationale underlying this rejection be properly set forth so Applicants can provide a response.

### CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 1-7, 9-12, 14, 19 and 20 stand rejected under 35 U.S.C. §103 as allegedly being obvious over Seidman '358 in view of Johnson '307, Atalla '715, and Wood '963. Claims 8 and 13 are rejected as allegedly being obvious over those citations and further in view of Official Notice. Claims 15 and 16 are rejected under 35 U.S.C. §103 as allegedly being obvious over Johnson in view of Atalla. Finally, claim 17 is rejected as allegedly being obvious over Johnson in view of Seidman, and Atalla. These rejections are respectfully traversed.

Claim 1 of Applicants' invention relates to a system for securing a radio frequency (RF) transaction, with the system including an RF identification transaction device operable to send an RF transmission. The transaction device includes a database for storing a transaction device identifier and a transaction device authentication tag, wherein the transaction device identifier is different from the transaction device authentication tag, a transaction device random number generator for generating a transaction device random number, with the transaction device random number generator being located at the transaction device, and a transmitter operable to transmit the transaction device identifier, the transaction device authentication tag, and the transaction device random number. As also claimed, the transaction device is validated based at least in part on both the transaction device identifier and the transaction device authentication tag, both having been received from the RFID transaction device, and the transaction device random number is used to lookup a previously stored decryption key for decrypting at least one of the

transaction device identifier and the transaction device authentication tag, with the transaction device random number having been received from the RFID transaction device.

In rejecting claim 1, the Office Action relies on the RFID transaction device disclosed in Seidman, a random number generator provided by Johnson, and a transaction device random number used to lookup a previously stored decryption key for decrypting at least one transaction device identifier and the transaction device authentication tag as disclosed by Atalla. Seidman discloses several particular RFID devices, including debit cards, credit cards, and proprietary Speedpass and E-ZPass technologies. In Johnson, a POS device can generate a random number and send it to a tag unit, such as a transaction card or a key tag, and to a host network. The tag unit then encrypts the random number and returns it to the POS device together with the ID of the tag. Although Atalla is relied on for its use of looking up a previously stored decryption key, it does not relate to an RFID transaction device.

The Office Action acknowledges that the proposed combination of Seidman, Johnson and Atalla does not provide a transaction device random number generator for generating a transaction device random number, with the transaction device random number generator being located at the transaction device. The newly cited patent to Wood is provided to compensate for this deficiency.

Wood relates to an electronic identification system that includes one or more radio frequency data communication devices 12 and a radio frequency interrogator unit 26. The communication device 12 includes an integrated circuit 16, a power source 18, and an antenna 14 (see Figure 1), with the integrated circuit including a microcontroller 34 (see Figure 5). According to Wood, the microcontroller can include delay circuitry that

includes a random value generator to produce a delayed transmission from a respective one of the communication devices 12. By providing delayed transmission, multiple communication device replies can be accommodated by the interrogator 26 (see column 17, lines 2-21).

Applicants respectfully submit, however, that it would not have been obvious to one skilled in the art to modify the proposed device of Seidman, Johnson and Atalla to include a transaction device random number generator located at the transaction device, based on the teachings of Wood. The secured transaction system 10 disclosed in Johnson includes a separate remote communication unit 100, a POS device 200, and a host network 300. As disclosed, the POS device generates a random number and sends it to the remote communication unit and to the host network. The remote communication unit, or tag 100, encrypts the random number and returns it to the POS device together with the ID of the tag.

The patent to Wood, on the other hand, relates to a different type of electronic identification system, in which a plurality of communication devices 12 are monitored by the interrogator 26. Random value generators can be provided on the communication devices themselves as part of the delay circuit so the interrogator can detect multiple device replies. It is respectfully submitted, however, that Johnson actually teaches against providing the random number generator on the transaction device itself, as its system relies on three independent subsystems (remote communication unit 100, POS device 200, and host network 300) to obtain a secure transaction. It would not have been obvious, therefore, to one skilled in the art to modify Johnson in view of Woods, in the manner proposed in the Office Action.

Accordingly, it is submitted that claim 1 is patentable over the cited art.

Independent claims 15 and 17 recite features similar to those discussed above with respect to claim 1. In this regard, claim 17 has been amended to more clearly set forth that the random number generator is located at the transaction device. Claims 15 and 17 are thus also submitted to be patentable over the cited art.

Accordingly, it is submitted that it would not have been obvious to combine the patents in the manner proposed in the Office Action, and thus reconsideration and withdrawal of the rejections of claims 1-17, 19 and 20 under 35 U.S.C. §103 is respectfully requested.

Independent claims 1, 15 and 17 are thus submitted to be allowable. The remaining claims depend either directly or indirectly from one of independent claims 1, 15 or 17. Thus, each of these claims is patentable at least owing to its respective dependency. In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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